

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No. 2003-10370-DPW-05

UNITED STATES OF AMERICA *
*
V. *
*
JOHN MCCARTHY *

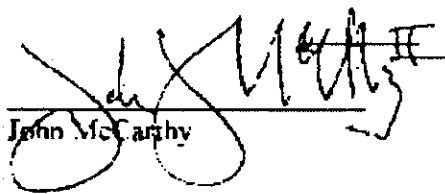
**DEFENDANT, JOHN MCCARTHY'S, WAIVER OF
APPEARANCE FOR ARRAIGNMENT**

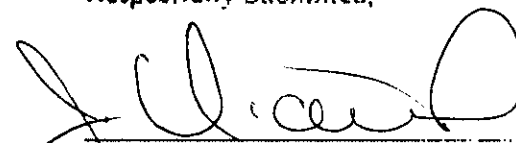
Pursuant to Rule 10(b) of the Federal Rules of Criminal Procedure, Defendant, John McCarthy, respectfully waives his appearance in court for arraignment on the superseding indictment returned by the Grand Jury on October 28, 2004 in the above-captioned matter.

In support of this waiver, the Defendant and his counsel hereby affirm that the Defendant has received a copy of the superseding indictment and that the Defendant pleads "not guilty" to that superseding indictment.

Therefore, the Defendant and his attorney respectfully request that the Court accept his waiver of appearance for arraignment.

Respectfully Submitted,


John McCarthy



John T. Diamond, III
TORNEY, MATTHEW DIAMOND & BENNETT
15 Foster Street
Quincy, MA 02169
BBO No. 555934
Tel: (617) 770-0000

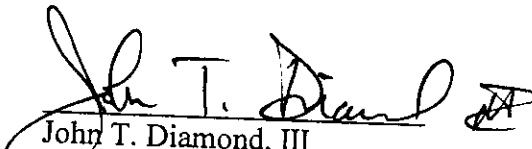
Date:

CERTIFICATE OF SERVICE

I, John T. Diamond, III, Esq., do hereby certify that a copy of the within:

1. Defendant's Waiver of Appearance for Arraignment

has been served, in hand, to Assistant U.S. Attorney, Rachel Hershfang, U.S. Attorney's Office, John J. Moakley U.S. Courthouse, Suite 9200, One Courthouse Way, Boston, MA 02210, Judge Douglas P. Woodlock, John J. Moakley U.S. Courthouse, Suite 4110, One Courthouse Way, Boston, MA 02210, Magistrate Robert B. Collings, Suite 6420, John J. Moakley U.S. Courthouse, One Courthouse Way, Boston, MA 02210.


John T. Diamond, III
TORNEY, MAHONEY, DIAMOND
& BENNETT
15 Foster Street
Quincy, MA 02169
BBO #555934
(617) 770-0000

Dated: February 10, 2005